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10/088,787

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EXAMINER

JABR, FADEY S

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

04/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/088,787

Applicant(s)

YUI ET AL.

Examiner

FADEY S. JABR

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 22, 23 and 26-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 22, 23 and 26-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 10/29/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Claims 1-6, 22-23 and 26-31 remain pending and are again presented for examination.

Response to Arguments

1. Applicant's arguments filed 26 March 2009 have been fully considered but they are not persuasive.
2. Applicant argues that neither cited reference discloses or suggests a movable body management apparatus that provides a mobile communication terminal with identification information associated with an available movable body apparatus. However, Examiner asserts that Dickerson teaches the above limitation. Specifically, Dickerson teaches the use of hand-carried devices [cellular phones, radio-capable personal digital assistants, and two-way pagers. "Hand-held devices" and "cell phones"] (0016, 0024). Dickerson also teaches that the system can comprise multiple databases. In one embodiment, the invention contains at least three databases: transit vehicle data; user data; and rental vehicle data. The transit vehicle database can contain data about the vehicles in the system and about data concerning the trips made by the vehicles. The data can include any item of information that will assist in the assignment of users to vehicles or vehicles to users (0062). Dickerson also teaches the rental vehicle database can contain data items including: **vehicle ID; vehicle type; vehicle description;** passenger capacity; location descriptions and trip lists. Additional data items can include: rental start time, reservation; rental start location; rental end time, reservation; rental and location; renter ID; rental start time, actual; rental end time, actual; and rental end location, actual (0065). Also,

Dickerson teaches this data can include location, status, new passengers, new destinations, and passengers delivered to destinations. The central assigning system can communicate updated passenger and vehicle information directly to vehicles and drivers. A driver uses the information to know how many people and optionally exactly who is to be picked up at each stop. As people approach the vehicle, the central assigning system can verify that expected persons are present based on received location data of passengers and vehicles (0101). Further, Dickerson teaches the system receives a car rental request from a user. The system accesses the user's data by correlating the user's cellular phone number and cellular based location information and immediately preceding trips by the passenger to the user profile in step 604. In decision step 606, the system determines whether the request is complete. If the request is not complete, the system requests additional information in step 608. If the request is complete, the system searches the user's pickup sites for available vehicles in step 610. In step 612 the system matches the user's request against available services and notifies the user of the matches or alternatives to the user's request (0113). Dickerson teaches after the passenger has complete process for a car rental and confirms selection of a provided trip or alternative, the central assigning system confirms the rental to the cell phone or other communication device. The central assigning system notifies the rental car of the expected rental, and provides the verification code of the passenger/renter so that when the passenger/renter is in proximity to the vehicle, the doors can be unlocked by pressing a key on the passenger's cell phone. The passenger then picks up the rental car. The passenger can be notified of the location of the rental car directly from the central assigning system (0116). Thus, Dickerson teaches vehicle identification information wherein the user is notified on his handheld device.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-4, 22-23 and 26-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn, U.S. Patent No. 6,240,365 B1 in view of Rothert et al., U.S. Patent No. 6,141,610, Murakami et al., U.S. Patent No. 7,181,409 B1 and Dickerson, Pub. No. US2001/0037174 A1, hereinafter referred to as Bunn, Rothert, Murakami and Dickerson, respectively.

As per **Claims 1-4, 22-23 and 26-29**, Bunn discloses an automated vehicle tracking and service provision system comprising:

- authentication result information reception means for receiving authentication result information from said movable body management apparatus in response to said transmitting of the authentication information (C. 2, lines 16-22, C. 2, line 67-C. 3, line 26, C. 3, line 33- C. 4, line 44);
- lock means for preventing use of that movable body apparatus (C. 3, lines 47-49, C. 6, lines 61-66, C. 7, lines 43-48, also see Figure 2B);
- lock control means for controlling said lock means based on the received authentication result information, (C. 3, lines 47-49, C. 6, lines 61-66, C. 7, lines 43-48, also see Figure 2B);

- distance measuring means for measuring a distance traveled by that movable body apparatus (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);
- distance information transmission means for transmitting information indicating the measured distance to said movable body management apparatus (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);
- said movable body management apparatus comprises:
 - authentication information reception means for receiving the authentication information from said movable body said apparatus (C. 2, lines 19-22, C. 8, lines 51-64);
 - authentication result information transmission means for transmitting the authentication result information corresponding to the received authentication information to said movable body apparatus (C. 2, lines 19-22, C. 8, lines 51-64);
 - distance information reception means for receiving, from said movable body apparatus, the information indicating the measured distance (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);
 - settlement means for performing settlement processing based on the fee calculated fee (C. 10, lines 3-22).

Bunn fails to disclose *retrieval information reception means for...notification means for notifying the mobile communication; identification information...*

However, Dickerson discloses a system which determines whether the trip request is complete. If the trip request contains enough information for the system to associate the user with a profile and match the request with available services the system...the system notifies the

user of the matches...Transmit parameters can include vehicle availability, traffic conditions, travel conditions, vehicle locations.....If a passenger requests a rental vehicle, the central assigning system can determine the passenger's assignment based on the location of the passenger and vehicle, the availability of a rental vehicle, the type of vehicle requested, cost, and any other parameter the passenger has indicated (0016, 0102).

It would have been obvious to one of ordinary skill in the art to include in the rental system of Bunn the ability to request a rental vehicle using a mobile device as taught by Dickerson since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Bunn fails to disclose *time measuring means for measuring a driving time associated with the measured distance, the driving time being the time taken to travel the measured distance and being measured only while that movable body apparatus is moving; and time information transmission means for transmitting information indicating the measured driving time to said movable body management apparatus; and time information reception means for receiving from said movable body apparatus, the information indicating the measured driving time;* fee calculation means for calculating a fee for use of said movable body apparatus, the fee being based on the measured distance and on a time difference between an average *driving time* required to travel the measured distance and the measured driving time that was measured only while said movable body apparatus was moving. However, Rothert teaches an automated vehicle monitoring system well suited for use in a vehicle rental operation, where each rental

vehicle is equipped with a data logger. The condition and usage of each vehicle during rental is monitored, where upon returning the rental vehicle to the rental facility the information is transmitted to the vehicle rental facility computer. The computer then calculates the distance traveled during rental which is then used to determine appropriate charges. The determination of the appropriate charges to be paid by the renter may include other factors such as the number of days that the vehicle has been rented (C. 11, lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include charging the renter based on various factors including the amount of time the vehicle was rented as taught by Rothert, because it provides the system with a variety of factors in which to determine the amount wear and tear and usage of the rented vehicle.

Furthermore, Murakami teaches a vehicle reservation system, where a user uses a card key to gain access to the system to input destination and time information. The display may prompt the user to, for example, select a proposed destination port facility...The user can select icons notifying the system that, for instance an errand trip will take an additional 45 minutes and add an additional 10 miles beyond what would be expected if the direct route to the destination were taken without the errand trip. For example, if the user returns the vehicle within 5 minutes of the planned return time the user may get an "accurate return time" discount. Users may also get a discount if they give notice of unexpected delays. The central facility receives information transmitted from the vehicle subsystem in each vehicle relating to the location, parking state, odometer information, trip time and various other trip information and statistics (C. 7, line 30 – C. 8, line 19; C. 13, lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include user's

notifying the system of unexpected delays and providing a discount based on the user's driving time and distance as taught by Murakami, because it provides an efficient allocation of vehicles since it is easier if vehicle trips can be predicted with greater reliability and accuracy.

5. Claims **5-6 and 30-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn in view of Rothert, Murakami and Dickerson as applied to claims 1 and 26 above, and further in view of "Rental Car Revelations", hereinafter referred to as Revelations.

As per **Claims 5-6 and 30-31**, Bunn fails to disclose wherein said fee calculation means of said movable body management apparatus determines the fee based on a location where said movable body apparatus is returned, and wherein said fee calculation means of said movable body management apparatus sets a higher fee when said movable body apparatus is returned to a location different than a predetermined return location than when said movable body apparatus is returned to said predetermined return location. Bunn discloses returning the rented vehicles to predetermined locations (C. 2, lines 15-16). However, Revelations teaches that in a rental car reservation environment if you return the car to another location, significant drop-off charges may be imposed (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include charging the renter based on where they return the vehicle as taught by Revelations, because rental vehicle systems work more efficiently and are able to provide more rental vehicles when customers return their inventory to the location they picked up the vehicle, therefore providing more available reservations for potential customers.

Conclusion

1. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FADEY S. JABR whose telephone number is (571)272-1516. The examiner can normally be reached on Mon. - Fri. 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Commissioner of Patents and Trademarks
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Art Unit: 3628

(571) 273-1516 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401
Dulany Street, Alexandria, VA 22314

/F. S. J./

Examiner, Art Unit 3628

/John W Hayes/

Supervisory Patent Examiner, Art Unit 3628